

Application No. 10/707,236
Amendment date 12/05
Reply to Office Action of 09/20/05

REMARKS/ARGUMENTS

Claim 1-8 are in the application and stand rejected. Claim 9-12 were previously withdrawn and are now canceled. New Claims 13-23 are added by amendment. Claim 13 is related in scope to Claim, but further limits the device as consisting essentially of the strap with the fixed loop and the connecting assembly. Claim 19 relates to the use of the exercise device for stretching targeted tissue of a person's body.

Support for new claims 13-18 is found in current claims 1, 2, and 6, and in paragraph 0015.

Support for new claims 19-23 is found in current claims 1, 2, and 6, and in paragraphs 0015, 0027, 0028 and 0032.

Rejection of Claims 1-8 under 35 USC 102 as anticipated by Bremm (US Patent 6,851,393)

Bremm teaches an animal lease for restraining an animal about its neck. The examiner characterized Bremm as disclosing a flexible, inelastic strap have a first end and a second end (Fig. 1), with a fixed loop formed in the flexible strap at the first end (29), a connector comprising a movable member configured for positioning along the length of the strap (3), and a fixed member that is attached to the second end of the strap (38), wherein the connector has a connected configuration wherein the movable member and fixed member are releasably connected, thereby forming a second loop in the flexible strap approximate the second end of the strap, and a disconnected configuration wherein the movable member and the fixed member are not connected (Fig. 4).

Dependent claims are alleged to be anticipated by the figures on Bremm.

Applicants respectfully traverse the rejection vis a vis Claims 1-8, and such art as applied against new claims 13-23.

First, Bremm does not disclose a strap having a fixed loop at one end, and a connector comprising a movable member configured for positioning along the length of the strap, as required by independent Claims 1, 13 and 19. Bremm discloses a leash 12 having a first (far) end 16 and a second (near) end 14, and a strap 30. A medial portion 31 of the strap 30 is fixed at an intermediate position along the length of the leash position and non-movable. The fixture of the strap to the leash is not movable. Fig. 4 shows that the two connectors 36 and 38 of the strap are affixed to the two ends of the strap. A buckle 40 can be used to reduce the length of that end of the strap 32 to which the connector 36 is affixed. Bremm does not show a movable connector configured for positioning along the length of the leash (the element alleged to be Applicant's strap).

Further, Applicants contend that Bremm does not disclose a device for use in stretching a targeted tissue of the body. Bremm teaches a dog leash. The devices of Bremm all relate to restraining a dog, and while the straining of a dog on its leash may affect its human handler, there is no specific description or suggestion that the person uses the leash for stretching targeted tissue.

Further, Applicants contend that Bremm can not constitute prior art against the claims for obviousness purposes, since the Examiner can not establish a prima facie case of obviousness. Bremm relates to leashes for

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restraining dogs. The field of search for such devices (e.g., Class 119 and Digest 30) are quite different from the field of search for exercise devices that aid in the stretching of the body (e.g., Class 482). Applicant's contend that a person skilled in the art would not be motivated to look in the field of art of dog leashes, but for having seen Applicants' description and/or information disclosure submission.

Further, the Applicants' claimed device incorporating a movable connector that can be positioned along the length of the strap, enables the moveable element to be moved anywhere along the length of strap, including proximate the fixed end, thereby forming a second loop of that incorporates essentially the entire length of the strap. In contrast, the strap 30 of Bremm has a limited circumference, and is not movable along the length of the leash 12.

Likewise, the prior art made of record and not relied upon do not disclose a device for use in stretching by a person. None of the prior art (Beauchamp, Dixon, and Albanese) disclose or suggest a device that can be used for stretching targeted tissue of a person's body. All related to dog leashes. Neither Beauchamp nor Albanese disclose a fixed loop in one end of the strap that can form a loop for insertion thereof of a person's hand or foot. Albanese appears to disclose a loop on one end that can be made variable (i.e., it is not a fixed loop), and a second loop formed by connectors, neither of which can be moved for positioning along the length of the strap.

Furthermore, all of the devices disclosed in the prior art cited by the examiner have a metal clip on the end of the fixed loop which neither are required nor are practical with the Applicants' exercise device, since such a metal clip could strike the person during exercise and cause injury.

Respectfully submitted,

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